

COMBINED DECLARATION AND POWER OF ATTORNEY

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As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: "METHOD AND APPARATUS FOR ALLOCATING BANDWIDTH IN A WIRELESS COMMUNICATION SYSTEM" the specification of which:

(X) is attached hereto.

( ) was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a-d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Country	Number	Date Filed	Priority Claimed
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (patented, pending)
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

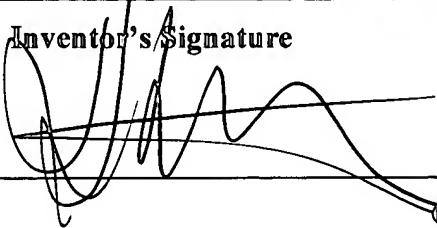


Provisional Appln. No.	Filing Date
_____	_____
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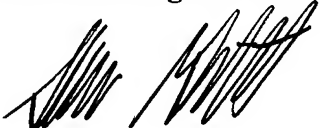
As a named joint inventor, I hereby appoint the following attorney to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: **Martin J. Jaquez, Esq.**, Registration No. **38,060**, sole practitioner, of **Jaquez & Associates**, located at 3636 Nobel Drive, Suite 215, San Diego, California, 92122.

Please address all telephone calls and correspondence to:

**Jaquez & Associates**  
c/o **Martin J. Jaquez, Esq.**  
3636 Nobel Drive, Suite 215  
San Diego, CA. 92122  
Telephone No. **619-320-2033**  
Facsimile No. **619-320-2034**  
E-mail Address: **jaquez@san.rr.com**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	<b>Full Name of Sole or First Inventor:</b> <i>(first, middle (if any), and last)</i> Kenneth L. Stanwood	<b>Inventor's Signature</b> 	<b>Date</b> May 12, 1999
	<b>Residence</b> <i>(address, city, state, country)</i> 2403 Montgomery Ave. Cardiff by the Sea, California, United States		
	<b>Post Office Address</b> <i>(address, city, state, zip, country)</i> 2403 Montgomery Ave. Cardiff by the Sea, California, 92007 United States		
2	<b>Full Name of Additional Joint Inventor:</b> <i>(first, middle (if any), and last)</i> James F. Mollenauer	<b>Inventor's Signature</b> 	<b>Date</b> May 12, 1999
	<b>Residence</b> <i>(address, city, state, country)</i> 37 Silver Birch Rd. Newton, Massachusetts, United States		
	<b>Post Office Address</b> <i>(address, city, state, zip, country)</i> 37 Silver Birch Rd. Newton, Massachusetts, 02468 United States		
3	<b>Full Name of Additional Joint Inventor:</b> <i>(first, middle (if any), and last)</i> Israel Jay Klein	<b>Inventor's Signature</b> 	<b>Date</b> May 12, 1999
	<b>Residence</b> <i>(address, city, state, country)</i> 5260 Fiore Terrace, Apt. #214 San Diego, California, United States		
	<b>Post Office Address</b> <i>(address, city, state, zip, country)</i> 5260 Fiore Terrace, Apt. #214 San Diego, California, 92122 United States		

<b>Full Name of Additional Joint Inventor (if any):</b> <i>(first, middle (if any), and last)</i>  Sheldon L. Gilbert	<b>Inventor's Signature</b> 	<b>Date</b> 5/10/99
<b>Residence</b> <i>(address, city, state, country)</i>  12710 Monterey Cypress Rd. San Diego, California, United States		<b>Citizenship</b>  United States
<b>Post Office Address</b> <i>(address, city, state, zip, country)</i>  12710 Monterey Cypress Rd. San Diego, California, 92122 United States		

4

STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN

Docket Number:  
ENS-002-PAP

Applicant, Patentee, or Identifier: Kenneth L. Stanwood, et al.  
Application or Patent No.: Unknown, not yet Assigned  
Filed or Issued: Herewith  
Title: Method and Apparatus for Allocating Bandwidth in a Wireless Communication System

I hereby state that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: Ensemble Communications, Inc.

ADDRESS OF SMALL BUSINESS CONCERN: 6256 Greenwich Drive, Suite 400, San Diego, California 92122

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

☒ the specification filed herewith with title as listed above.

☐ the application identified above.

☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

☒ no such person, concern, or organization exists.

☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING: Sheldon L. Gilbert

TITLE OF PERSON IF OTHER THAN OWNER: President

ADDRESS OF PERSON SIGNING: 6256 Greenwich Drive, Suite 400, San Diego, CA 92122

SIGNATURE

DATE

5/10/99

## ***ASSIGNMENT***

TO WHOM IT MAY CONCERN:

For the sum of One Dollar and other valuable consideration to us in hand paid, receipt of which is hereby acknowledged, be it known that we, **KENNETH L. STANWOOD**, of 2403 Montgomery Ave., Cardiff by the Sea, California, 92007, United States, **JAMES F. MOLLENAUER** of 37 Silver Birch Rd., Newton, Massachusetts, 02468, United States, **ISRAEL JAY KLEIN** of 5260 Fiore Terrace, Apt. #214, San Diego, California, 92122, United States, and **SHELDON L. GILBERT** of 12710 Monterey Cypress Rd., San Diego, California, 92130, United States, have sold, assigned and transferred and by these presents do sell assign, transfer and set over unto **ENSEMBLE COMMUNICATIONS INC.**, a Delaware corporation, having a corporate office at 6256 Greenwich Drive, Suite 400, San Diego, California, 92122, its successors, legal representatives, or assigns, our whole right, title and interest in and to a certain invention relating to a patent application for:

### ***"METHOD AND APPARATUS FOR ALLOCATING BANDWIDTH IN A WIRELESS COMMUNICATION SYSTEM"***

Serial No. \_\_\_\_\_, executed by us and filed in the United States Patent and Trademark Office on \_\_\_\_\_ (applicant's attorney is authorized to enter serial number and filing date after execution of this document), and all original and reissue patents granted thereof, and all divisions and continuations thereof, including the subject matter of any and all claims which may be obtained in every such patent, and all foreign rights to said invention, and covenant that we have full right to do so, and agree that we will communicate to said **ENSEMBLE COMMUNICATIONS INC.**, or its representatives, all facts known to us respecting said invention, whenever requested, and testify in any legal proceedings, sign all lawful papers, make all rightful oaths and generally do everything possible to aid said **ENSEMBLE**

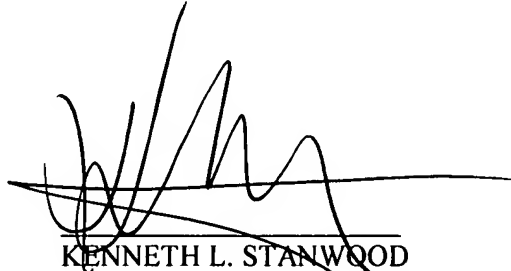
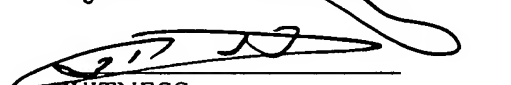
COMMUNICATIONS INC., its successors, assigns, and nominees, to obtain and enforce proper patent protection for said invention in the United States of America and throughout the world.

The Commissioner of Patents and Trademarks is requested to issue the Letters Patent which may be granted for said invention or any part thereof unto said **ENSEMBLE COMMUNICATIONS, INC.**, in keeping with this Assignment.

Executed on this \_\_\_\_\_ day of May, 1999.


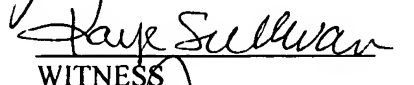
Date: 10 May 99

Date: 5/10/99

  
KENNETH L. STANWOOD  
  
WITNESS

Date: May 12, 1999

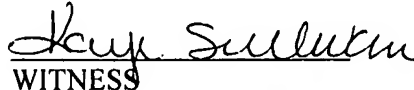
Date: May 12, 1999

  
JAMES F. MOLLENAUER  
  
WITNESS

Date: May 12, 1999


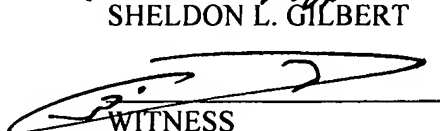
Date: May 12, 1999

  
ISRAEL JAY KLEIN

  
WITNESS

Date: 5/10/99

Date: 5/10/99

  
SHELDON L. GILBERT  
  
WITNESS